

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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THOMAS GESUALDI, LOUIS BISIGNANO,
ANTHONY PIROZZI, DOMINICK MARROCCO,
ANTHONY D'AQUILA, FRANK FINKEL,
JOSEPH FERRARA, MARC HERBST, THOMAS
PIALI and DENISE RICHARDSON, as Trustees
and Fiduciaries of the Local 282 Welfare, Pension,
Annuity, Job Training, and Vacation and Sick Leave
Trust Funds,

Plaintiffs,

-against-

INNOVATIVE DISPOSAL SOLUTIONS,

Defendant.

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APPEARANCES:

Friedman & Wolf, Esqs.
Attorneys for the plaintiffs
1500 Broadway, Suite 2300
New York, NY 10036

By: Elise S. Feldman, Esq., of Counsel

NO APPEARANCE

Innovative Disposal Solutions

SPATT, District Judge.

The plaintiffs commenced this action on or about February 25, 2009, asserting various labor-related claims against the defendants. On July 9, 2010, the Court entered a default judgment against the defendants, and referred the matter to United States Magistrate Judge Arlene R. Lindsay for an inquest as to damages. On January 18,

ORDER
09-cv-820 (ADS) (ARL)

2011, Judge Lindsay issued a thorough Report recommending that (1) that an order be issued directing the defendant to permit an audit of its books and records within thirty days of the date the order is entered; (2) that the plaintiffs be given sixty days to complete the audit and to make further submissions with respect to the plaintiff's application for unpaid contributions, interest on unpaid contributions, and liquidated damages from December 2006 to January 2009, for damages for June, July and November of 2007, and for additional attorneys' fees and costs consistent with Judge Lindsay's report and recommendation; and (3) that the plaintiffs be awarded attorneys' fees and costs in the amounts of \$15,097.14. To date, no objection has been filed to Judge Lindsay's Report and Recommendation.

In reviewing a report and recommendation, a court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed Judge Lindsay's Report and finds it be persuasive and without any legal or factual errors. There being no objection to Judge Lindsay's Report, the Court adopts the Report.

For the foregoing reasons, it is hereby:

ORDERED that Judge Lindsay's Report and Recommendation is adopted in its entirety, and it is further

ORDERED that the Clerk of the Court is directed to enter a partial default judgment against the defendants in the amount recommended by Judge Lindsay; and it is further

ORDERED that the defendant is directed to permit an audit of its books and records within thirty days of the date this order is entered, and the plaintiffs are given sixty days from the date this order is entered to complete the audit and to make further submissions with respect to the plaintiff's application for unpaid contributions, interest on unpaid contributions, and liquidated damages from December 2006 to January 2009, for damages for June, July and November of 2007, and for additional attorneys' fees and costs consistent with Judge Lindsay's report and recommendation.

SO ORDERED.

Dated: Central Islip, New York
March 25, 2011

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge